

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

LAURA BRESKO and
JOAN BRESKO,

Plaintiffs,

v.

Case No. 1:11cv202-SPM/GRJ

THOMAS KRITCHLEY, et al.,

Defendants.

ORDER

This cause comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 5) which recommends that this case be transferred to the United States District Court for the District of New Jersey. Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff filed objections (doc. 6). Upon consideration, I have determined that the Report and Recommendation should be adopted despite Plaintiffs' objections.

Plaintiff objects to the Report and Recommendation's suggestion that many of Plaintiff's claims are barred by doctrines of judicial immunity and by principles of comity and federalism. However, the Magistrate Judge's recommendation for how to proceed with this case was not based on the viability

of Plaintiff's claims; it was simply noted. The recommendation to transfer this case was based on the fact that the Northern District of Florida, is not legally the proper venue for this action. As the report and recommendation indicated, all Defendants, except perhaps one, reside in New Jersey, and the events giving rise to Plaintiffs' claims occurred in New Jersey. Therefore, according to 28 U.S.C. § 1391(b), this case should have never been filed in this Court. Instead of recommending that the Court dismiss this case, as it would be entitled to do, the Magistrate Judge recommended transferring it to the proper venue in the interests of justice.

Accordingly, it is hereby ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 5) is **adopted** and incorporated by reference into this order.
2. This case is hereby **transferred** to the United States District Court for the District of New Jersey.

DONE AND ORDERED this 22nd day of November, 2011.

S/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge